



Municipal Center

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Schaumburg, IL 60193-1899
(847) 895-4500
TDD 923-4435
FAX 895-7806

**Health Department/
Nursing Division**

521 E. Schaumburg Road
Schaumburg, IL 60194-3510
(847) 895-4500
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FAX 923-4405

Prairie Center for the Arts

201 Schaumburg Court
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TDD 895-3638

Police Department

1000 W. Schaumburg Road
Schaumburg, IL 60194-4198
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FAX 882-3846

Fire Department

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Schaumburg, IL 60195-3612
(847) 885-6300
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FAX 885-6360

Fire Prevention Bureau

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Public Works Department

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Teen Center

231 S. Civic Drive
Schaumburg, IL 60193-1257
(847) 524-3388

Family Counseling Center

217 S. Civic Drive
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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ex Parte Letter Re: Cases WT 99-217; CC96-98 /

Dear Secretary Salas:

Enclosed are two (2) copies of an ex parte presentation in the above referenced proceeding.

Sincerely,

THE VILLAGE OF SCHAUMBURG

Kenn Fritz
Kenneth J. Fritz
Village Manager

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VILLAGE OF SCHAUMBURG



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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ex Parte Letter Re: **Cases WT 99-217, CC96-98**

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof-all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights-a landlord, municipality or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment, the FCC may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type-such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on building (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns-which we do every day, with success.

FILED
AUG 9 1999
FCC

Chairman Kennard

July 30, 1999

Ex Parte Letter Re: Cases WT 99-217; CC96-98

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The application of zoning principles is highly dependent on local ordinances. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns for many years. Zoning has not unnecessarily impeded technology or the development of our economy, not will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the units of local government as to warrant Federal action.

On rights-of-way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited the FCC from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this-only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more that it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights-of-way and taxes.

Sincerely,

THE VILLAGE OF SCHAUMBURG



Kenneth J. Fritz
Village Manager

cc: Village President and Board of Trustees

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